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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,150	04/02/2007	Butrico Pat	P50297	2485
60879 7590 09/13/2010 BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 SEVENTEENTH STREET SUITE 2200 DENVER, CO 80202				
EXAMINER				
JONES, MARCUS D				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
09/13/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/590,150

**Applicant(s)**

PAT ET AL.

**Examiner**

Marcus D. Jones

**Art Unit**

3714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33, 34 and 37-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33, 34 and 37-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 February 2010 has been entered.

Claims 33, 34 and 37-61 are currently pending.

Claims 1-32, 35 and 36 are cancelled.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 33, 34, 37-45, 60 and 61 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

Art Unit: 3714

4. Claim 33 recites the limitation "permits rapid authentication of the gaming chips by comparison of the total value displayed with the value mentally calculated by an operator." However, it is unclear how this step is accomplished. For example, the value mentally calculated by an operator is not sufficiently described in the present Specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claims 33, 34, 38-40, 43-45, 47-49, 51-53, 56-58, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (2006/0287068), and further in view of Gelinotte (US PGPub 2004/0229682).**

In reference to claims 33 and 51, Walker discloses: A gaming table for use with electronic circuit memory gaming chips, comprising: a tabletop (see Figure

Art Unit: 3714

8) comprising an operator side (see Figure 8, lead line 132), said operator side comprising a gaming chip storage area (see Figure 8, lead line 138 chip tray), and at least one gaming station on a customer side of the table top (see Figure 8, lead line 144, player position); at least one display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said table top, wherein said at least one display device and said gaming chip storage area are placed on the table top in reach and in view of an operator (see Figure 8, lead line 142, display positioned proximate the dealer's area. Other information such as an alert of a problem gambler may be displayed, pg 5, par 62). Walker does not specifically disclose that the display device is on or in the tabletop. However it would have been obvious to a person having ordinary skill in the art at the time of the invention to place the display in or on the tabletop so long as the display is within reach of the operator, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Walker discloses wager interrogators 158 designed to track the movement of chips about the table (pg 6, par 65), but does not specifically disclose an anti-collision device. Gelinotte teaches anti-collision algorithms enable the communication unit to read/write all of the chips in one or more stacks (pg 1, par 10). Gelinotte further teaches it is therefore possible for the communication unit 20, by communicating with the memory 21 of each of the chips 12, to determine in real time (rapid authentication) the number of electronic memory chips

Art Unit: 3714

contained in the storage system 10 , the value of each chip, the instantaneous total value contained in the storage system 10 , the identity of each chip, the value per denomination, or any other information associated, for example, with the identity of the chip. The information can be stored, processed in real time, or transmitted to a server via a network for the purposes of carrying out any required analyses and processing (pg 7, par 76).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Walker in view of Gelinotte in order to keep accurate track of the total value of chips at the table at any given moment.

In reference to claim 34, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses the display that is located in the dealer area and only visible to the dealer that may be a LCD, LED or a touch screen display (pg 5, par 62 and see Figure 8, lead line 142). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have attached the display to the table such that only the dealer can view the display, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

In reference to claim 37, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses a display screen (see Figure 8, lead line 142) which encompasses multiple display lines that are proximal to the operator.

Art Unit: 3714

In reference to claims 38 and 52, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses that the communication unit is wholly or partly under the table top (see Figure 10 and 11).

In reference to claim 39, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses a chip tray (see Figure 8, lead line 138).

In reference to claims 40 and 53, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses a tip box located on the gaming table (see Figure 5, lead line 102).

In reference to claims 41, 42, 50, 54, 55, and 59, Walker and Gelinotte disclose the invention substantially as claimed. As discussed above in the discussion of claim 33, Walker discloses a display screen 142 and multiple chip interrogators. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have multiple displays or test stations, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

In reference to claims 43, 44, and 56, Walker and Gelinotte disclose the invention substantially as claimed. Gelinotte further teaches a station for reading and/or writing in a memory of a token, in particular a gaming chip, incorporating an electronic circuit (pg 1, par 14)

In reference to claim 45, Walker and Gelinotte disclose the invention substantially as claimed. Gellinotte further teaches a cash table (pg 2, par 31).

In reference to claim 46, Walker discloses: A gaming table for use with electronic circuit memory gaming chips, comprising: a tabletop (see Figure 8) comprising an operator side (see Figure 8, lead line 132), said operator side comprising a gaming chip storage area (see Figure 8, lead line 138 chip tray), and at least one gaming station on a customer side of the table top (see Figure 8, lead line 144, player position); at least one display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said table top, wherein said at least one display device and said gaming chip storage area are placed on the table top in reach and in view of an operator (see Figure 8, lead line 142, display positioned proximate the dealer's area. Other information such as an alert of a problem gambler may be displayed, pg 5, par 62). Walker does not specifically disclose that the display device is on or in the tabletop. However it would have been obvious to a person having ordinary skill in the art at the time of the invention to place the display in or on the tabletop so long as the display is within reach of the operator, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

Walker further discloses the display that is located in the dealer area and only visible to the dealer that may be a LCD, LED or a touch screen display (pg 5, par 62 and see Figure 8, lead line 142). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have attached the display to the table such that only the dealer can view the display, since it has



been held that rearranging parts of an invention involves only routine skill in the art. In *re Japikse*, 86 USPQ 70. Walker further discloses a display screen (see Figure 8, lead line 142) which encompasses multiple display lines that are proximal to the operator. Walker further discloses that the communication unit is wholly or partly under the table top (see Figure 10 and 11). Walker discloses a display screen 142 and multiple chip interrogators. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have multiple displays or test stations, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Walker discloses wager interrogators 158 designed to track the movement of chips about the table (pg 6, par 65), but does not specifically disclose an anti-collision device. Gelinotte teaches anti-collision algorithms enable the communication unit to read/write all of the chips in one or more stacks (pg 1, par 10). Gelinotte further teaches it is therefore possible for the communication unit 20, by communicating with the memory 21 of each of the chips 12, to determine in real time (rapid authentication) the number of electronic memory chips contained in the storage system 10, the value of each chip, the instantaneous total value contained in the storage system 10, the identity of each chip, the value per denomination, or any other information associated, for example, with the identity of the chip. The information can be stored, processed in real time, or transmitted to a server via a network for the purposes of carrying out any required analyses and processing (pg 7, par 76).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Walker in view of Gelinotte in order to keep accurate track of the total value of chips at the table at any given moment.

In reference to claims 47, 48, 49, 57 and 58, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses that trained personnel may observe and interact with the players from a remote location as illustrated in FIG. 17. The various sensors including the camera network **54** , mobile terminals **118** , microphones **156** , and other input as previously described may be passed to the site controller **52** and thence to a remote station **228** . The remote station **228** may be positioned in the gaming establishment **10** (perhaps in the back office **50** ) or at a site removed from the gaming establishment **10** as needed or desired. The remote station **228** may include a computer **230** with a display **232** and a keyboard **234** , a camera **236** , a microphone **238** , and speakers **240** . An individual **242** may watch input come across from the sensors on the display **232** , hear input on the speakers **240** and otherwise evaluate the information. The individual **242** may, in turn, provide feedback to gaming establishment personnel by typing on the keyboard **234** , speaking into the microphone **238** , or passing a video signal from the camera **236** . The gaming establishment personnel may receive this feedback on the display **142** or from the mobile terminal **118** or the like as needed or desired. It is expected (although not strictly required) that the individual **242** is trained to recognize potential problem gambling behavior and is armed with embodiments of the present invention to help confirm or refute such an initial determination as

Art Unit: 3714

well as help provide recommendations as to how to provide an appropriate event to assist individuals identified as problem gamblers (pg 11-12, par 107).

In reference to claims 60 and 61, Walker and Gelinotte disclose the invention substantially as claimed. Gelinotte further teaches that the communication unit captures the identity of a first chip and performs the required read and/or write operations on that chip. The communication unit then deactivates the chip by sending it a standby command and continues until all of the chips have been captured. After captured and/or processing of the last chip, the communication unit sends a command for reactivating all of the chips in the stack (pg 4-5, par 72-73).

### ***Response to Arguments***

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The

Art Unit: 3714

fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/  
Examiner, Art Unit 3714

/John M Hotaling II/  
Primary Examiner, Art Unit 3714